

**Government Equalities Office policy paper review:
*'Equality Act 2010: The public sector Equality Duty:
reducing bureaucracy'***

**Response from the Inclusion Directorate of the SRA
Diversity and Inclusion Team**

April 2011

A thick, dark red curved bar that starts from the bottom left and curves upwards and to the right, ending at the bottom right edge of the page.

**Government Equalities Office policy paper review:
'Equality Act 2010: The public sector Equality Duty: reducing
bureaucracy'**

**Response from the Inclusion Directorate Diversity and Inclusion Team
of the Solicitors Regulation Authority**

Introduction

1. The Solicitors Regulation Authority (SRA) is the independent regulatory body of the Law Society for England and Wales. It regulates individual solicitors, other lawyers and non lawyers with whom they practise, solicitors' firms and their staff.
2. The Diversity and Inclusion Unit is responsible as a team for advising and supporting the SRA in meeting its duties under the equalities legislation. As a team we are also responsible for monitoring and reporting on the progress the SRA makes on its equality objectives. We work to ensure equality and diversity is embedded as a key consideration in the business of the organisation and that the organisation is able to demonstrate and deliver its obligation as an employer as well as fairly through its regulatory objectives by advancing equality and diversity.
3. We welcome the opportunity to take part in the consultation and review as part of the Equality Act regulations, and have set out our response below.
4. We agree with the proposal that where possible we should reduce the burden and bureaucracy on public bodies and focus on transparency and outcomes. We are, however, not convinced that the approach and changes the government is proposing will increase accountability and transparency and believe that the proposed changes will make it more difficult for members of the public to request information to ensure that authorities are transparent and accountable in their public duties. Therefore we feel that the proposed changes will be counterproductive to the advancement of equalities.
5. We have set out below our thoughts and response on the proposed changes
 - **Engagement**
6. In removing the requirement to publish the details of the engagement activities that public bodies have taken when determining their policies and equality objectives, we believe this will result in public bodies/organisations becoming less accountable and increase the risk of organisations not seeing the importance of the need to engage with the diverse range of people and stakeholders. This is essential in order to effectively develop policies and inform decision making processes.
7. The current requirement to publish details of engagement plans guarantees that steps will be taken to engage with a wide range of

stakeholders who may be impacted. Public bodies may take the unfortunate step to not engage which will reduce positive equality outcomes. A relaxation of the obligations will lead to less transparent and accountable services for the public and those most vulnerable in society.

8. For example, there is already a low level of public awareness concerning the equality duties and the rights afforded to individuals under the act. Members of the public need to have access to information and published documents so that they can consider whether decisions taken were fair and can query and challenge their public organisation appropriately. Changing publishing requirements now will undermine the purpose of the Equality Duty which is enhanced by the current system of transparency. Furthermore, Equality Impact Assessments are important and effective tools which enhance transparency and work to embed equality and diversity into organisations.

Equality analysis

9. Not requiring organisations to publish their equality analysis ie their Equality Impact Assessments (EIAs) will undermine the whole purpose of the Equality Duty. EIAs are one method in which organisations take into account potential positive or adverse impact on a policy or process. We feel that it is important that the public can easily access such assessments and the evidential basis upon which decisions are taken. Therefore we feel that the requirement to publish equality analysis should remain as this enhances transparency and accountability. It is essential that the public has more information and not less as this is the way they can be empowered to hold their public organisations accountable.
10. We are worried that requests or challenges from the public will result in statements such as, for example, "Yes, we have done an EIA and no, it did not flag any problems or "We are not going to let you see it as we are not required to publish it."

Equality objectives

11. Whilst there is little merit in publishing objectives for the sake of it, the proposed change will steer public authorities to a minimalist position rather than encouraging an aspiration approach. Therefore we believe that there should be no requirement for a minimum number of objectives as a 'one size fits all' will not work and will not be effective in delivering the right equality outcomes.

Measuring progress

12. It is important that organisations state how they will measure their own progress in meeting their obligations on equality. Public authorities should and need to be transparent and it is important that this information is published as it strengthens the case for transparency and accountability which can only be achieved if the public have access to this information and if it is in the public domain

In conclusion

13. We are sympathetic to the reality that the public sector is going through a difficult period due to the economic downturn and consequently needs to reduce pressure on its resources. However, we believe that challenge from the public is key to holding public bodies to account for their performance on equality. It is important that public sector organisations are required to be as transparent as possible from the onset in their decision making. Reducing transparency as proposed will make it much more difficult for the public to understand how a public authority has met its public duty. Published information on engagement, impact assessments, consultations, data monitoring all contribute to enhancing accountability and transparency. Which is in addition to enabling and empowering the public.
14. The proposals are likely to mean that challenges will only be brought by those able to interpret the equality data that public bodies are required to publish which can be complex. We feel that the government is taking a step backwards in having due regard to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity.



**The independent regulatory body of the Law Society of
England and Wales**

www.sra.org.uk

If you would like this document in alternative formats,
please email: contactcentre@sra.org.uk or call 0870 606 2555.